

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KING COUNTY,

Plaintiff,

Case No. 2:24-cv-00049-BJR

v.

**STIPULATED MOTION AND ORDER  
TO FILE UNDER SEAL PLAINTIFF'S  
AMENDED COMPLAINT**

EXPRESS SCRIPTS, INC., EXPRESS  
SCRIPTS ADMINISTRATORS, LLC, MEDCO  
HEALTH SOLUTIONS, INC., MERCK-  
MEDCO, ESI MAIL ORDER PROCESSING,  
INC., ESI MAIL PHARMACY SERVICE, INC.,  
EXPRESS SCRIPTS PHARMACY, INC.,  
EXPRESS SCRIPTS SPECIALTY  
DISTRIBUTION SERVICES, INC.,  
OPTUMINSIGHT, INC., OPTUMINSIGHT  
LIFE SCIENCES, INC., THE LEWIN GROUP,  
INC., INGENIX PHARMACEUTICAL  
SERVICES, INC., INGENIX, INC.,  
OPTUMRX, INC., AND OPTUM, INC.,

Defendants.

Pursuant to Local Civil Rule (“LCR”) 5(g)(3), Plaintiff King County and Defendants<sup>1</sup> jointly move the Court for an order to file under seal Plaintiff’s Amended Complaint, Dkt. 51.

The parties make this request because portions of Plaintiff’s Amended Complaint quote and describe the content of multiple documents that were produced under protective orders in the national opioid multidistrict litigation, *In re National Prescription Opiate Litigation*, No. 17-md-2804 (N.D. Ohio) (the “Opioid MDL”), and were designated “Confidential,” “Highly Confidential,” or “Highly Confidential – Attorneys’ Eyes Only” by the producing parties in that litigation. In accordance with LCR 5(g)(3)(B), Defendants represent that the contents of these documents should remain sealed because of their designations under the Opioid MDL protective orders and because they contain Defendants’ confidential and sensitive business information, including confidential internal business strategy. *See, e.g., Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (sealing is appropriate to prevent the “release [of] trade secrets”); *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (sealing is appropriate to prevent public disclosure of “sources of business information that might harm a litigant’s competitive standing”); *McCurley v. Royal Seas Cruises, Inc.*, 2018 WL 3629945, at \*1 (S.D. Cal. July 31, 2018) (courts “routinely permit the sealing of records containing business information which competitors could potentially misuse if disclosed”); *Res Exhibit Servs., LLC v. LNW Gaming, Inc.*, 2023 WL 4826506, at \*1 (D. Nev. June 21, 2023) (granting motion to seal

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<sup>1</sup> Defendants in the instant action are Express Scripts, Inc., Express Scripts Administrators, LLC, Medco Health Solutions, Inc., ESI Mail Order Processing, Inc, ESI Mail Pharmacy Service, Inc., Express Scripts Pharmacy, Inc., Express Scripts Specialty Distribution Services, Inc., OptumInsight, Inc., OptumInsight Life Sciences, Inc., The Lewin Group, Inc., OptumRx, Inc., and Optum, Inc. The Parties agree that Defendants maintain all of their defenses and do not waive any defense, including the jurisdictional defenses raised in the pending Motions to Dismiss.

1 because the “material contain[ed] proprietary business information and contents of contractual  
2 agreements between the parties”).

3 The parties submit this stipulation now because, at the time of the filing of the Amended  
4 Complaint and briefing of the motions to dismiss under Rules 12(b)(2) and 12(b)(6), they were  
5 conferring over which documents produced in the Opioid MDL could be used in this litigation  
6 based on Defendants’ various levels of confidentiality designations on certain documents and the  
7 associated restrictions on their use. The parties have now resolved those issues in connection with  
8 a stipulation the Court approved on October 2, 2024 at Dkt. No. 78. The stipulated order recognizes  
9 that certain documents Defendants produced in the Opioid MDL, including all of the documents  
10 referenced in Plaintiffs’ Amended Complaint, are deemed produced in this litigation. *Id.* at 2-3.  
11 Since Plaintiffs provided Defendants with the sealed version of the Amended Complaint when  
12 they filed the redacted version, no party has been prejudiced by the date of this filing.  
13  
14

15 As required by LCR 5(g)(3)(A), the parties certify that prior to the filing of this motion,  
16 they conferred numerous times, including most recently on October 17, 2024, in an attempt to  
17 avoid the filing of this motion. The parties conferred via email on which numerous counsel for all  
18 parties were cc’d, with Matthew Melamed the primary participant for Plaintiff, and Alex  
19 Ackerman, Omar Morquecho, and Sage R. Vanden Heuvel the primary participants for  
20 Defendants. Given the confidentiality designations referenced above, the parties agreed to file this  
21 stipulated motion.  
22

23 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

24 DATED this 29th day of October, 2024.  
25  
26

**QUINN EMANUEL URQUHART &  
SULLIVAN, LLP**

/s/ Alicia Cobb

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The Lewin Group, Inc., OptumRx, Inc.,  
and Optum, Inc.*

**IT IS SO ORDERED.**

29<sup>th</sup> of October, 2024

Dated

**KELLER ROHRBACK L.L.P.**

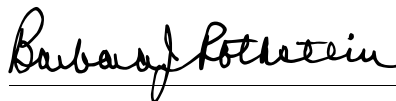
By /s/ David J. Ko

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*Attorneys for Plaintiff*



Hon. Barbara J. Rothstein  
United States District Judge

**CERTIFICATE OF SERVICE**

I, David Ko, hereby certify that on October 29, 2024, I electronically filed the  
**STIPULATED MOTION AND [PROPOSED] ORDER TO FILE UNDER SEAL**  
**PLAINTIFF'S AMENDED COMPLAINT** with the clerk of the United States District Court  
for the Western District of Washington using the CM/ECF system, which shall send electronic  
notification to all counsel of record.

/s/ David J. Ko

David J. Ko